

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRYAN JAEGER, individually and on
behalf of all persons similarly situated,

Plaintiff,

-against-

PETER DE PAOLA and DE PAOLA
TRADING, INC.,

Defendants.

**DEFENDANT PETER DE
PAOLA'S SUGGESTION OF
BANKRUPTCY AND
REQUEST FOR STAY**

1:21-cv-11079

PLEASE TAKE NOTICE that on July 26, 2023, Defendant Peter De Paola ("Debtor") filed a voluntary petition in the United States Bankruptcy Court for the Eastern District of New York for relief under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code") in the case *In re Peter Julian Depaola*, Case No. 1-23-42634. A copy of the voluntary petition is attached hereto as **Exhibit A**.

PLEASE TAKE FURTHER NOTICE that pursuant to section 362(a) of the Bankruptcy Code, the Debtor's filing of his voluntary petition operates as a stay, applicable to all entities of among other things: (a) the commencement or continuation of all judicial, administrative, or other actions or proceedings against the Debtor (i) that were or could have been commenced before the commencement of the Debtor's case or (ii) to recover any claims against the Debtor that arose before the commencement of the Debtor's cases; (b) the enforcement, against the Debtor or against any property of the Debtor's bankruptcy estates, of a judgment obtained before the commencement of the Debtor's cases; or (c) any act to obtain possession of property of or from the Debtor's bankruptcy estate, or to exercise control over property of the Debtor's bankruptcy estate.

PLEASE TAKE FURTHER NOTICE that pursuant to the automatic stay and in light of the nature of this litigation, Debtor requests that this Court stay the instant action during the pendency of Debtor's bankruptcy, not only as to Debtor himself, but also as to Co-Defendant De Paola Trading, Inc., of which Debtor is the sole shareholder. Debtor's counsel has conferred with Plaintiff's counsel, and Plaintiff's counsel consents to this requested stay of these proceedings.

Dated: August 3, 2023

Respectfully submitted,

NIXON PEABODY LLP

/s/ Ian C. Taylor

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and De Paola Trading, Inc*

This action is stayed, pursuant to 11 U.S.C. § 362. See Dkt. 77. Plaintiff shall file an update letter with the Court by October 4, 2023, and every 60 days thereafter, on the status of the bankruptcy proceedings.

SO ORDERED.

Paul A. Engelmayer

PAUL A. ENGELMAYER
United States District Judge
August 4, 2023